

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

STEVEN BRADLEY HODGES,

Plaintiff,

v.

BEISNER, *et al.*,

Defendants.

Case No. 3:23-cv-00242-MMD-CLB

ORDER

On September 26, 2023, Interested Party Nevada Department of Corrections filed a suggestion of death on the record in two of Plaintiff Steven Bradley Hodges's other prisoner civil rights cases, informing the Court that Plaintiff passed away on September 21, 2023. *See Hodges v. Dyer et al.*, Case No. 3:23-cv-00050-MMD-CSD, ECF No. 9 (D. Nev. Filed September 26, 2023); *Hodges v. Hartman et al.*, Case No. 3:23-cv-00113-MMD-CLB, ECF No. 20 (D. Nev. Filed September 26, 2023).

Under Federal Rule of Civil Procedure 25(a)(1), "[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed." Fed. R. Civ. P. 25(a)(1). As such, if there is no motion for substitution within 90 days of the date of this order, the Court will dismiss the case.

It is therefore ordered that the Court will dismiss this case in 90 days if there is no motion to substitute filed under Federal Rule of Civil Procedure 25(a)(1).

It is further ordered that Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is denied as moot.

1 It is further ordered that Plaintiff's motion for temporary restraining order and
2 preliminary injunction (ECF No. 1-2) is denied as moot.

3 DATED THIS 27th Day of September 2023.

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6 MIRANDA M. DU
7 CHIEF UNITED STATES DISTRICT JUDGE
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